



General Assembly

January Session, 2011

Amendment

LCO No. 6971

HB0643806971HDO

Offered by:

REP. GODFREY, 110th Dist.

REP. FOX, 146th Dist.

SEN. COLEMAN, 2nd Dist.

SEN. KISSEL, 7th Dist.

REP. HETHERINGTON, 125th Dist.

SEN. DOYLE, 9th Dist.

REP. HOLDER-WINFIELD, 94th

Dist.

To: Subst. House Bill No. 6438

File No. 616

Cal. No. 362

"AN ACT CONCERNING PROBATE COURT OPERATIONS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 45a-287 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) If the testator, at his death, was not domiciled in this state, his
6 will may be proved in any district in this state in which: (1) The
7 testator last resided; (2) any of the testator's real or tangible personal
8 property is situated; (3) any of the testator's bank accounts are
9 maintained or evidences of other intangible property of the testator are
10 situated; (4) any one of the executors or trustees named in the will
11 resides, or, in the case of a bank or trust company, has an office; or (5)
12 any cause of action in favor of the testator arose or any debtor of the
13 testator resides or has an office. If the will of any such testator may be

14 proved in more than one district, the court which first assumes
15 jurisdiction thereof pursuant to this section shall retain the same as to
16 all the property of the testator situated in this state at the time of his
17 death together with any property which subsequently comes into
18 possession of any of the executors, trustees or other fiduciaries of the
19 testator's estate appointed in this state.

20 (b) Any proceeding for the proving of a will of a testator pursuant to
21 this section shall be commenced by an application of any person who
22 is named as an executor of such will or by any other person who is
23 interested in such estate. The application shall set forth a statement of
24 the basis for jurisdiction by the court of probate of the district in which
25 such application is filed. The court shall give notice of the hearing on
26 such application to the Commissioner of Revenue Services, to any
27 person named as an executor or trustee in such will, to the heirs at law
28 of the testator, as determined by the laws of this state, and to such
29 other persons as the court may order. Any will which has been denied
30 probate or establishment by judgment or decree of a competent court
31 in the testator's domicile may not be proved in this state except where
32 such denial of probate or establishment is for a cause which is not
33 grounds for rejection of a will of a testator domiciled in this state.
34 Except as otherwise provided in this section, the laws of this state
35 relating to proof and admission of wills to probate for domiciliary
36 testators shall apply to proceedings under this section.

37 (c) Whenever a testator of a will which is proved in this state
38 pursuant to this section expressly provided in his will that he elects to
39 have the administration and disposition of his estate governed by the
40 laws of this state, then the validity, effect and interpretation of such
41 will, and the administration and disposition of such estate, wherever
42 situated, including rights of creditors and rights of inheritance, shall be
43 determined by the laws of this state in the same manner as if such
44 testator had been domiciled in this state at the time of his death, except
45 as otherwise provided in this section. The rights of persons who are
46 creditors of the testator or of his estate or who may possess or claim
47 rights of inheritance to or elections against the testator's estate

48 pursuant to the laws of the jurisdiction in which the testator was
49 domiciled at the time of his death shall be governed by and subject to
50 the laws of such jurisdiction as to any real or tangible property situated
51 in such jurisdiction or as to any bank accounts which are maintained or
52 other intangible property of the testator the evidences of which are
53 situated in such jurisdiction at the time of the testator's death. Any
54 proceeding pursuant to this subsection shall not be deemed to impair
55 or otherwise adversely affect the claim of any other state or any
56 possession of the United States, for inheritance, succession, estate or
57 other death taxes which may be due and payable by reason of the
58 testator's death.

59 (d) All property of a testator whose will is proved under this section
60 shall be subject to the laws of this state relating to the taxation of
61 inheritances and successions, [provided] except that such laws shall
62 not be applied on the basis that the testator was a domiciliary of this
63 state unless there is a finding that such person was domiciled in this
64 state as provided in section 45a-309. Costs of the court of probate
65 under section 45a-105, for proceedings in the settlement of the estate of
66 a nondomiciliary testator whose will is proved under this section, shall
67 be determined on the basis of an assumed gross taxable value equal to
68 the sum of (1) the actual gross taxable estate determined under section
69 12-349 and (2) the value set forth in the inventory of such estate under
70 section 45a-341 of all property therein which is not part of the actual
71 gross taxable estate, excluding any insurance proceeds exempt from
72 taxation under section 12-342.

73 (e) In proceedings in the settlement of estates under this section, for
74 the purpose of computing the costs of the court of probate under
75 section 45a-107, the testator shall be deemed to have been domiciled in
76 this state, unless the court of probate determines that the proceedings
77 in this state are ancillary to proceedings in the state of the testator's
78 domicile.

79 Sec. 502. Subsection (a) of section 45a-303 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective from*

81 *passage*):

82 (a) (1) When any person domiciled in this state dies intestate, the
83 court of probate in the district in which the deceased was domiciled at
84 his death shall have jurisdiction to grant letters of administration.

85 (2) When any person not domiciled in this state dies intestate,
86 administration may be granted by the Court of Probate determined
87 under the jurisdictional prerequisites provided in subsection (a) of
88 section 45a-287 for nondomiciliary testators, and the provisions of
89 subsection [(d)] (e) of section 45a-287, as amended by this act,
90 regarding Probate Court costs applicable to testate estates shall apply
91 also to intestate estates granted administration under this section."